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Attorney for Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BARRY A. FISCHER, receiver)	Case No.: CV-S-99-00377-LRH (PAL)
)	
Plaintiff,)	EX-PARTE MOTION TO EXTEND TIME TO
)	REPLY TO 20 PAGE PROPOSED ORDER OF
vs.)	CIVIL CONTEMPT; AFFIDAVIT OF DAVID K.
)	WINTER, ESQ. IN SUPPORT OF MOTION;
DANIEL L. STANGO, an individual, and)	CERTIFICATE OF SERVICE
)	
MORGAN DANIELLE CORP., a Nevada)	
)	
Corporation,)	
)	
Defendants.)	

COMES NOW, David K. Winter, Esq., who requests 1 week additional time, that is to July 7, 2006, to file Defendant's response to Plaintiff's 20 page proposed Order of Civil Contempt, on the following grounds:

The Court ordered Plaintiff to submit a proposed order of civil contempt by 6/23/06, which plaintiff did lodge 6/23/06, faxing the same approximately 5:25 p.m. Friday night.

The proposed order is unusually long and contains numerous facts and orders of remedies which are disagreed and disputed but could be resolved with discussions with counsel.

1 The Court requested any opposition to the order be filed by this
2 counsel by June 30, 2006.

3 In that this counsel has issues with the order, this counsel was
4 directed to discuss the matter with Henley Saltzburg, Esq. Despite various
5 telephone and e-mail messages left for Mr. Saltzburg for more than a week,
6 only today did a staff member of Mr. Saltzburg's office in California call
7 this counsel late morning to advise that Mr. Saltzburg is away on vacation,
8 has been all week, and he is not expected back until Monday or Wednesday of
9 next week.

10 This same message was also conveyed today by plaintiff, Mr. Fisher, who
11 I called and had e-mailed to inquire why I was not receiving return contact
12 from his counsel.

13 Thereafter, a subsequent call was made to Plaintiff's Las Vegas counsel
14 to request stipulation to continue the date the response was due for one week
15 until Mr. Saltzburg returned. However, upon calling I was advised that Mr.
16 Cooper, Plaintiff's Las Vegas counsel, was already out to lunch. As of 2:45
17 p.m., almost 3 hours since the original call to counsel was made, no call
18 back has yet been received, thus this motion.

19 No extension of time has previously been requested concerning a reply
20 to the order.

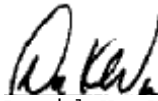
21 A one week extension is short in nature, and could resolve issues which
22 otherwise could require court intervention and possibly an additional hearing
23 of the court.

24 Upon information and belief, the order itself was not prepared by the
25 person attending the hearing, thus the reason it is believed there are

1 certain factual and other errors in the order which could be resolved by
2 discussion and agreement of counsel.

3 For the foregoing reasons, this counsel requests the Court extend the
4 time for defendant to file their opposition to the proposed Order of Civil
5 Contempt for one week, that is until 7/7/2006.

6 Dated June 30, 2006.

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13

14 **AFFIDAVIT OF DAVID K. WINTER, ESQ. IN SUPPORT OF MOTION**

15 David K. Winter, under penalty of perjury, states:

16 1. That I am the attorney of record for the defendants in the above-
17 captioned case. I have personal knowledge of the facts stated herein, and if
18 called to do so, could competently testify thereto.

19 2. A copy of Plaintiff's 20 page proposed Order of Civil Contempt
20 was faxed to my office at 5:25 p.m. Friday, June 23, 2006.

21 3. I had concerns regarding the order, which I was directed to
22 discuss with Henley Saltzburg, Esq.

23 4. During the past week, I have left several telephone messages for
24 Mr. Saltzburg, and sent him e-mail.
25

1 5. I was notified today for the first time by Plaintiff, and then
2 later by Mr. Saltzburg's office, that Mr. Salzburg has been away on vacation
3 for the week and would be back on Monday or Wednesday of next week.

4 6. The proposed order has numerous facts, issues, and relief which
5 if discussed could resolve themselves, instead of requiring the court to make
6 a determination or otherwise conduct a subsequent hearing.

7 7. The request for the one week continuance is not made to delay or
8 otherwise obstruct justice, but made for the purposes of simplifying and
9 resolving issues of dispute in the proposed order.


10 YOUR AFFIANT SAYETH FURTHER NAUGHT.

11 Dated June 30, 2006.

12 
13 David K. Winter, Esq.

14
15
16 IT IS SO ORDERED

17 DATED: July 7, 2006

18 
19 _____
20 LARRY R. HICKS
21 UNITED STATES DISTRICT JUDGE
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23
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25